

21 U.S.C. § 848
(Continuing Criminal Enterprise - Elements)

To sustain the charge in Count ____ that a [the] defendant engaged in a continuing criminal enterprise, the government must prove each of the following propositions beyond a reasonable doubt:

First, that the defendant committed a continuing series of at least three or more of the narcotics offenses alleged in Count ____;

Second, the defendant committed the offenses acting in concert with five or more other persons;

Third, the defendant acted as an organizer, supervisor or manager of those five or more other persons; and

Fourth, the defendant obtained substantial income or resources from the offenses.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt, then you should find the defendant guilty on Count ____.

If, on the other hand, you find from your consideration of all of the evidence that any of these propositions has not been proved beyond a reasonable doubt, then you should find the defendant not guilty on Count ____.

Committee Comment

See *United States v. Gibbs*, 61 F.3d 536, 537 (7th Cir. 1995); *United States v. Herrera-Rivera*, 25 F.3d 491, 498 (7th Cir. 1994).